

Minutes Supplementary

14/ QUESTIONS AND PETITIONS [Item 4]

Responses to supplementary member's questions are annexed to this document.

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Supplementary Member Questions to CFLLC Select Committee – 17 April 2024

Supplementary from Cllr Fiona Davidson

- 1) **Access to FASD expertise has not been the experience of the parents who have contacted me, so my supplementary is, would Mindworks be willing to investigate the current experiences of parents I refer to them, because many are having difficulty accessing this expertise? I am happy to send these experiences to Mindworks if I could please have the name of the most appropriate person.**

Response:

Director of Children and Young People's Services at SABP said that they are happy to look at any individual case or enquiry and that these should be sent to rxx.palsandcomplaintssabp@nhs.net

Supplementary from Cllr Jonathan Essex

- 2) **In the past if we were building a school ourselves, rather than it being required to be built by a third party, we would have had the power to intervene ourselves on this matter, and it's the change in the funding requirements by Government that's led us into this situation? We haven't challenged on Betchwood Vale because it's being brought by a third party rather than us as a Council. In the past we presumably would have been bringing such applications for new schools ourselves and leading on them ourselves, so it's the change in Government policy not allowing us to bring a new SEND school application ourselves which has meant that we weren't able to intervene in this way, is that correct?**

Response:

The Department for Education (DfE)'s Free Schools Programme was established 14 years ago under the Government's free school policy initiative. From May 2015, usage of the term was formally extended to include new academies set up via a local authority competition. There has been no change to Government policy within the meantime.

The two legal routes for establishing a new state-maintained special school has not changed since that period:

1. [DfE Special Free School Programme Central Route](#), where following local authority application to the programme and subject to Secretary of State approval, the competitive process to identify the Trust sponsor, Pre-Opening, and delivery of the school is managed and funded by the Department. The local authority maintains liability for abnormal site development costs (typically £3m-£5m) where the approved new school site is owned by the Council. These costs have to be met within the Council's approved capital budgets.
2. Local Authority [Special Free School Presumption Route](#), where following LA application to establish a new school and subject to Secretary of State approval, the competitive

process to identify the Trust sponsor, Pre-Opening, and delivery of the school is managed and entirely funded by the Council. These costs have to be met within the Council's approved capital budgets.

SCC strongly supports the DfE's proposed development of Betchwood Vale Academy in Dorking and closely collaborated with the DfE's project team to achieve a successful planning in March 2023. The latest delays to the Realistic Year of Opening (RYO) for Betchwood Vale Academy are the result of the live Judicial Review appeal against Mole Valley District Council as the Planning Authority, and not actions brought about by the DfE or its appointed contractor.

Until the Court receives an application from Mole Valley District Council to quash the decision from March 2023 and until the Court allows the application and the process concludes to give legal effect to the Order, the judicial review remains live. Furthermore, if the Order is granted, it is to quash the decision and not the DfE appointed contractor's application. Given the fact that the Judicial Review is against the local planning authority and not the applicant, the applicant has no powers of intervention. This would also have been the case if the scheme was funded and delivered by the Council.

Betchwood Vale Academy is one of five special free schools awarded to the Council between 2018-2024 and totalling more than 860 new places, which are key delivery aspects of the Council's Special Educational Needs (SEND) Capital Programme to improve the long-term sufficiency of state-maintained specialist educational provision that meets the needs of communities across Surrey.

1. Fox Grove Academy (DfE Central route), delivered by DfE January 2022.
2. Hopescourt School (LA Presumption route), in contract and due for delivery early September 2025
3. Betchwood Vale Academy (DfE Central route), Realistic Year of Opening 2027/28
4. Frimley Oak Academy (DfE Central route), Realistic Year of Opening 2027/28
5. New Special Free School (DfE Central route) awarded 9 May 2024, likely Realistic Year of Opening 2028/29 at the earliest.

Department for Education High Needs Provision Capital Allocation grant funding (previously Special Provision Capital Allocation Grant funding) received by the Council between 2019/20-2024/25 equates to approximately 25% of the overall SEND and AP Capital Programme costs. To that end, the Council could simply not afford to fund the £95m-£100m that the DfE is investing to deliver the four DfE Central route schools.

Supplementary from Cllr Jonathan Essex

3) (a) Can we please have further explanation on why the fire station site in Reigate is excluded?

The fire station in Reigate was excluded from proposed sites on which to relocate Reigate Valley College, which is a 72 place Alternative Provision school because Reigate Fire station at Wray Park is an operational fire station subject to its own expansion and development proposals.

The whole site has been subject to various iterations for fire and training development options which are being taken forward on approximately two thirds of the site (southern parcel). Some of the critical infrastructure supporting the fire service facility (power and telecoms) still run from part of the northern part of the site and subject to ongoing reviews.

The northern parcel which includes The St David's building to the north of the site is now being used by Surrey Police as an office as part on ongoing collaboration between blue light services.

(b) Can we please have further explanation why split site solutions have been discounted on financial grounds for Reigate Valley College?

The biggest expenditure in any school is the cost of the staffing. The percentage of the total income spent on staffing for a school to be viable is between 80-85%.

To run three sites at Reigate Valley College (RVC) means a higher than needed staffing level. For example, each of the three sites will need a leader on that site as well as each needing a receptionist. This means that at RVC currently there are three receptionists and three Deputy Head teachers, whereas on one consolidated site there would be one receptionist and two deputy heads.

Splits sites also means that staff cannot easily travel between sites and as a quality curriculum needs to be broad and balanced there will be some doubling up of skill sets of staff, for example the need for three English teachers on three sites whereas the actual need if on one site would be two English teachers.

There are other associated costs to run three sites that are in poor condition, as opposed to one new purpose built site. An example would be the energy costs to run three sites that are not energy efficient as opposed to one that is energy efficient. This detail is outlined below in premises costs.

The proposal to consolidate RVC on one site means that the staffing in the first year of opening would be 82.6% of total income. This rises to 86.9% in year three which is still within an acceptable range (Table 1). The maintained AP school would still have a reserve and be deemed as a "going concern" by the Department for Education.

If RVC remained on the current three sites, then comparatively the staffing in year one would be 88.4% of total income, which would rise to 98.5% in year three (Table 2). The AP school would have a deficit budget and be deemed as 'unviable' by the DfE.

Table 1: Reigate Valley College Single site costs

	Yr1	Yr2	Yr3
Total Income	£1,860,241	£1,902,277	£1,950,033
EXPENDITURE			
Staff Costs	£1,399,890	£1,469,885	£1,543,379
Premises Costs	£64,300	£67,515	£70,891
Other Occupancy costs	£10,107	£10,612	£11,143
Educational Supplies	£35,500	£37,275	£39,139
ICT Learning Resources	£15,449	£16,221	£17,033
Exam fees	£7,500	£7,875	£8,269
Admin Supplies	£6,700	£7,035	£7,387
Insurance	£1,656	£1,739	£1,826

Supplies & services	£21,000	£22,050	£23,153
Bought in Services non-curriculum	£35,100	£36,855	£38,698
Audit	£7,500	£7,875	£8,269
Cost of central MAT staffing	£137,158	£144,016	£151,217
Total Expenditure	£1,741,860	£1,828,953	£1,920,401
TOTAL REVENUE INCOME	£1,860,241	£1,902,277	£1,950,033
LESS: TOTAL REVENUE EXPENDITURE	£1,741,860	£1,828,953	£1,920,401
IN YEAR SURPLUS/(DEFICIT)	£118,381	£73,324	£29,633
REVENUE BALANCE B/F	£0	£118,381	£191,705
REVENUE BALANCE C/F	£118,381	£191,705	£221,338

Table 2: Reigate Valley College Split Site costs

	Yr1	Yr2	Yr3
Total Income	£1,860,241	£1,894,336	£1,941,696
EXPENDITURE			
Total Staff costs	£1,506,858	£1,582,201	£1,661,311
Total Premises Costs	£125,400	£131,670	£138,254
Total other occupancy costs	£15,482	£16,256	£17,069
Total Educational Supplies	£35,500	£37,275	£39,139
Total ICT Learning Resources	£18,449	£19,371	£20,340
Total Exam fees	£7,500	£7,875	£8,269
Total Admin Supplies	£8,700	£9,135	£9,592
Total Insurance	£1,656	£1,739	£1,826
Total Supplies & services	£29,000	£30,450	£31,973
Total Bought in Services non-curriculum	£35,100	£36,855	£38,698
Total Audit	£7,500	£7,875	£8,269
Cost of central MAT staffing	£137,158	£144,016	£151,217
Total Expenditure	£1,928,303	£2,024,718	£2,125,954

TOTAL REVENUE INCOME	£1,860,241	£1,894,336	£1,941,696
LESS: TOTAL REVENUE EXPENDITURE	£1,928,303	£2,024,718	£2,125,954
IN YEAR SURPLUS/(DEFICIT)	-£68,062	-£130,382	-£184,258
REVENUE BALANCE B/F 2022/2023		-£68,062	-£198,444
REVENUE BALANCE C/F	-£68,062	-£198,444	-£382,702

To that end, consolidation of Reigate Valley College on one fit-for-purpose site represent the best value for money and ensures the AP school's viability in the long term.

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